

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER V. LUCAS,

Plaintiff,

No. CIV S 04-0586 GEB CMK P

vs.

B. ARNOLD, et al.,

Defendants.

ORDER

Plaintiff brings this civil rights action pursuant to 42 U.S.C. § 1983. This proceeding was referred to the undersigned by Local Rule 72-302 by the authority of 28 U.S.C. § 636(b)(1). Currently pending before the court are plaintiff's motions to compel. (Doc. 70, 71, 73.) Defendant has filed a response to plaintiff's motion. (Doc. 74.)

Plaintiff seeks an order compelling further responses to interrogatories, set three, and requests for production of documents, set one. At the onset, the court notes that plaintiff has not shown that he has in good faith attempted to confer with defendant concerning this discovery dispute as required by the Local Rules. See Local Rule 37-251(b) and (d). Plaintiff also did not reproduce the requests which he made to defendant or the responses which he found objectionable. The court assumes that plaintiff intended his "Motion in Request for Discovery of Pertinent Documents & Interrogatories" (doc. 71) to be incorporated as part of the motion to compel. However, even giving plaintiff the benefit of the doubt as a pro se litigant and incorporating the November 9, 2006 filing, plaintiff fails to inform the court of either defendant's

1 allegedly objectionable responses or why such responses were inappropriate. See Local Rule 37-  
2 251; 34-250. Accordingly, it is appropriate to deny his motion on procedural grounds.

3 Even assuming arguendo that plaintiff had satisfied the procedural requirements of  
4 the Local Rules, he still would not be entitled to the relief sought. Plaintiff states that  
5 defendant's responses were not forthcoming. He makes no effort to explain why defendant's  
6 responses were inadequate—the court does not have adequate notice of the alleged deficiencies.  
7 Exhibits attached to defendant's response reveal that plaintiff made six requests for production of  
8 documents. (Response, Ex. A at 1-2.) Defendant was unable to locate any documents pertaining  
9 to requests 1-4; however, defendant produced documents relating to requests 5-6. (Id. at 3.)  
10 Plaintiff has presented no evidence that defendant failed to produce requested documents in  
11 violation of Federal Rule of Civil Procedure 34. Accordingly, the court will deny plaintiff's  
12 motion to compel.

13 Plaintiff also appears to challenge the sufficiency of defendant's responses to  
14 interrogatories, set three. Defendant responded or made objections to all of plaintiff's  
15 interrogatories. (Response, Ex. B.) In light of the evidence, the court cannot conclude that  
16 defendant's responses were not forthcoming. The court will deny plaintiff's motion to compel  
17 further responses.

18 IT IS ORDERED that plaintiff's motions to compel (docs. 70, 71, 73) are denied.

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20 DATED: November 30, 2006.

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23 **CRAIG M. KELLISON**  
24 UNITED STATES MAGISTRATE JUDGE  
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